

Waiver Request to Delay Community Eligibility Provision Statutory Reporting Deadline Due to COVID-19

Louisiana Department of Education (LDOE) Division of Nutrition Support (DNS)

1. State Agency staff contact information:

Louisiana Department of Education Division of Nutrition Support
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2. Region: Southwest Region

3. Eligibility service providers participating in waiver and affirmation that they are in good standing:

Any LDOE DNS approved School Food Authorities currently operating the National School Lunch Program during an unanticipated school closure due to the COVID-19 outbreak.

4. Description of the challenge the State agency is seeking to solve, the goal of the waiver to improve services under the Program, and the expected outcomes if the waiver is granted. [Section 12(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:

Challenge:

As of 1:00pm on March 13, 2020, the Governor of Louisiana issued a mandate closing all public schools across the State starting Monday, March 16, 2020 until April 13, 2020.

Since all public schools in the State of Louisiana are currently closed in connection with the COVID-19 outbreak, LEAs will not be able to submit school-level eligibility CEP data to the State agency by April 15. In addition, if this data is not submitted, the State Agency will not be able to notify LEAs of district-wide CEP eligibility.

Goal:

Due to the state-wide closures for an extended duration, there is a concern that the statutory reporting requirements for the Community Eligibility Provision. LDOE is requesting an extension to the CEP statutory reporting deadline to June 30, 2020.

Expected Outcomes:

If allowed, the State Agency and LEAs would be able to provide accurate data to meet the statutory requirements once school returns thus decreasing the burden to LEAs as they return to normal NSLP/SBP operations.

5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(l)(2)(A)(i) of the NSLA]:

The Louisiana Department of Education (LDOE) Division of Nutrition Support (DNS) request a waiver of regulations at 7 CFR 245.9(f)(5) and 7 CFR 245.9(f)(6).

6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:

If approved, LDOE DNS will provide technical assistance to sponsors once school resumes to ensure accurate data for Community Eligibility Reporting. There are no impacts on technology, monitoring or State systems.

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section (l)(2)(A)(ii) of the NSLA]:

There are currently no State level regulatory barriers related to this specific issue.

8. Anticipated challenges State or eligible service providers may face with the waiver implementation:

Our agency does not anticipate that the establishment of this statewide waiver will pose any additional challenges at the state or sponsor level. Alternatively, we anticipate this waiver will reduce challenges faced by regular school sites that experience unanticipated school closure because of COVID-19.

9. Description of how the waiver will not increase the overall cost of the Program to the Federal Government. If there are anticipated increases, confirm that the cost will be paid from non-Federal funds. [Section 12(l)(1)(A)(ii) of the NSLA]:

The establishment of this statewide waiver will not increase the overall cost of the Program to the Federal Government.

10. Anticipated waiver implementation date and time period:

The anticipated waiver implementation start date is March 16, 2020 and is to remain in effect through June 30, 2020.

11. Proposed monitoring and review procedures:

12. Proposed reporting requirements (include type of data and due dates(s) to FNS:

By June 30, 2020, LDOE DNS will report to FNS the number of school districts that used this waiver.

13. Link to or copy of the public notice informing the public about the proposed waiver [Section 12(l)(1)(A)(ii) of the NSLA]:

Notice to be released:

The Louisiana Department of Education (LDOE) Division of Nutrition Support (DNS) is seeking waivers from the United States Department of Agriculture, Food and Nutrition Services. The purpose of these waivers is to support schools experiencing extended school closures in response to COVID-19.

<https://cnp.doe.louisiana.gov/breakingnews/Request%20to%20Delay%20CEP%20Waiver.pdf>

14. Signature and title of requesting official:



John Dupre
Director, Child Nutrition Programs
Louisiana Department of Education Division of Nutrition Support
(225)342-3720

TO BE COMPLETED BY FNS REGIONAL OFFICE:

FNS Regional Offices are requested to ensure the questions have been adequately addressed by the State agency and formulate an opinion and justification for a response to the waiver request based on their knowledge, experience and work with the State.

Date request was received at Regional Office:

- Date Received: _____

☐ Check this box to confirm that the State agency has provided public notice in accordance with Section 12(l)(1)(A)(ii) of the NSLA

- **Regional Office Analysis and Recommendations:**

☐ Recommend Approval

☐ Recommend Denial